

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

INFINEON TECHNOLOGIES AG,
Plaintiff,

v.

JERRY DAVID HARTHCOCK,
Defendant.

CIV. A. NO. 1:10-cv-316
JURY DEMANDED

**PLAINTIFF'S COMPLAINT AND
REQUEST FOR DECLARATORY JUDGMENT**

Plaintiff, Infineon Technologies AG, files this Complaint and Request for Declaratory Judgment against Jerry David Harthcock.

PARTIES

1. Plaintiff, Infineon Technologies AG ("Infineon"), is a multinational company with its principal place of business at Am Campeon 1-12, 85579 Neubiberg, Bavaria, Germany.

2. Defendant, Jerry David Harthcock, is an individual residing within the Western District of Texas. Upon information and belief, Mr. Harthcock resides at 704 Hyde Park Place, Austin, Texas 78748. United States Patent No. 6,347,368 ("the '368 patent"), which is the subject of this suit, was issued to Mr. Harthcock.

JURISDICTION AND VENUE

3. This is an action for a declaration that Infineon does not infringe any claim of the '368 patent. Accordingly, jurisdiction of this Court exists under the Federal Declaratory Judgment Act, Title 28, United States Code §§ 2201 and 2202, and under Title 28, United States Code §§ 1331 and 1338(a).

4. Personal jurisdiction and venue are proper in this jurisdiction pursuant to 28 U.S.C. §§ 1391(b) and 1400(b).

FACTS

5. Upon information and belief, Mr. Harthcock is the owner of the '368 patent, entitled "Microcomputing Device for Exchanging Data While Executing an Application," which was issued by the United States Patent and Trademark Office on February 12, 2002. A copy of the '368 patent is attached as Exhibit A.

6. Infineon has developed the XC166, XE166, and XC200 families of 16-bit microcontrollers ("Infineon Microcontrollers"), which it is marketing for sale to Infineon's customers.

7. Upon information and belief, Mr. Harthcock has contacted Infineon's customers and/or potential customers, asserting that the Infineon Microcontrollers infringe Mr. Harthcock's '368 patent.

8. Infineon customers have advised Infineon that Mr. Harthcock is making these patent infringement accusations, which have naturally raised a concern among Infineon's customers about the risk of incurring legal liability if they were to purchase and use the Infineon Microcontrollers.

9. Mr. Harthcock has also directly contacted Infineon, claiming that the Infineon Microcontrollers infringe Mr. Harthcock's '368 patent and threatening Infineon with a patent infringement suit.

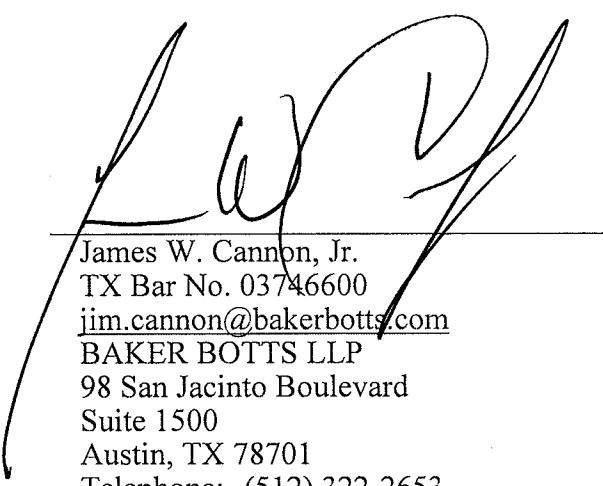
10. The Infineon Microcontrollers do not infringe Mr. Harthcock's '368 patent.

PRAYER FOR RELIEF

THEREFORE, Infineon respectfully requests this Court to grant the following relief against Mr. Harthcock:

- A. Declare that the Infineon Microcontrollers do not infringe any claims of the '368 patent;
- B. Award Infineon its costs and expense, including reasonable attorneys fees, in accordance with the provisions of 35 U.S.C. § 285 or other statutes; and,
- C. Award Infineon any other relief, in law and in equity, to which the Court finds Infineon justly entitled.

Dated: 5/11/10



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